

CUSTODY SPECIAL RELIEF

Special Relief is any other motion requesting relief that is not available through the normal Custody Complaint, Motion to Modify or Petition for Contempt. **Any non-emergency motion that is presented without complying with the three (3) day notice requirement will be rejected.**

A copy of the current Custody Order MUST be attached to your Petition.

STEP BY STEP INSTRUCTIONS ARE ON PAGE 2

IN ADDITION TO THE SPECIAL RELIEF PETITION, YOU MUST ALSO FILE ---

- a custody complaint if you **DO NOT** have an existing Custody order
- a modification petition if you **DO** have an existing Custody order

BEFORE YOU TAKE THESE PAPERS TO COURT, YOU MUST GIVE THE OTHER PARTY AT LEAST 3 BUSINESS DAYS' NOTICE

The purpose is to let them know the date you are going to go to Court. They have a right to be there.

1. Give or mail (both regular and certified) them, or their lawyer, the **“Notice of Intention to Present”** which tells them what day and time you will be going to Court. **You do not need an appointment.** If both parties attend when you present the papers, you will get a quicker hearing date.

On the **Notice of Intention to Present** form, if you give/mail the other party the papers on a

1. Monday or Friday, you would write the date for the following Thursday
2. Tuesday or Wednesday, you would write the date for the following Monday
3. Thursday, you would write the date for the following Tuesday

2. You must also give/mail the other party COPIES of all the forms below (*after you fill them in*) that have an *. Keep the originals of all forms to take to Court.

You MUST complete all of the forms in this packet, which includes:

- ***Notice of Intention to Present** – Mail or give the other party this document along with copies of the completed forms at least 3 business days before you go to Court.
- ***Cover sheet for the Petition for Special Relief** – This means the plaintiff is always the plaintiff and the defendant is always the defendant, regardless of who is filling out the Petition.
- ***Special Relief Petition** - you MUST specifically state what the situation is and you explain what you want to be done about it.
- ***Verification** –
- **Order** – fill in only the top portion. The Judge will complete the rest.
- **Proof of Service and Acceptance of Service** – do nothing with these papers until you get to Step 7 or 8 of the instructions.

AFTER giving 3 business days' notice, take the forms to Custody Motions Court in Courtroom #5, Monday, Tuesday and Thursday, excluding Court holidays. Be there no later than 8:45 a.m. *You must also give the Judge a copy of your current Custody Order.*

If you are not 18 years old you must have your custodial parent(s) or Guardian file for you.

REMEMBER -THERE IS A DRESS CODE IN THE COURTROOM, ALL CELL PHONES MUST BE COMPLETELY OFF & YOUR FORMS MUST BE IN NUMERICAL ORDER WHEN YOU GO TO COURT.

Court of Common Pleas of Beaver County

Child Custody Filing Procedures

Please note that the law librarian, staff of the Beaver County Law Library, staff of the Juvenile Services Division, staff of the Court Administrator's Office and the Judge's Law Clerk are neither qualified nor permitted to assist persons in the preparation or filing of child custody documents or to provide legal advice or assistance of any kind on child custody or any other legal matters.

LITIGANTS ARE STRONGLY ENCOURAGED TO CONSULT WITH AN ATTORNEY.

SUMMARY OF STEPS

Before you go to Court:

1. Complete the forms in INK, not pencil. Incomplete forms may be refused.
2. Photocopy all of the paperwork (except the Proof of Service and Acceptance of Service forms) and send or give it to the other party along with the Notice of Intention to Present 3 BUSINESS DAYS BEFORE you present the Petition to the Judge. The date you write on this form is the day you plan to deliver the documents to Court. It must be at least 3 business days away and must be a Monday, Tuesday or Thursday.
3. If both parties attend when you present the Petition, you will get a quicker hearing date.

In Court:

4. **Take completed forms to Motions Court, Courtroom #5, Second Floor of the Courthouse, no later than 8:45 a.m. any Monday, Tuesday or Thursday. Late motions will not be heard. Go into the Courtroom, have a seat and wait your turn.**
5. The Judge will sign the petition and assign a hearing date, if needed. You will then receive a clocked copy of the Order and the original will be returned to you.
6. Get your paperwork from the Law Clerk.

After you leave Court:

7. **FILE** the papers in the Prothonotary's Office (1st floor).
After you have presented your motion to the Judge you must file all of the original documents that you gave to the Judge with the Prothonotary's office.
8. **SERVE** the other party with the Order signed by the Judge. This means you give or mail the other party copies of all the papers that you gave to the judge.
 - a. If you choose to hand deliver the documents, you must have the other Party sign an **Acceptance of Service** form. **Make and keep a copy for yourself.** You **MUST** FILE the Acceptance of Service in the Prothonotary's office after it is signed.
 - b. If you serve the other party by mail you must send the documents by **both Regular mail and Certified mail**. Complete the Proof of Service form by making check marks on the line before both regular and certified mail. **Make a photocopy.** File it with the Prothonotary. After you receive the green card verifying certified mail, staple the green card to the Proof of Service and file it again with the Prothonotary.
9. **FILE** either a Proof of Service or Acceptance of Service Form with the Prothonotary after service has been done. **MAKE AND KEEP A COPY FOR YOURSELF.**
10. Bring a copy of the Proof of Service or Acceptance of Service that you filed in the Prothonotary's office to ALL later hearings, conferences and/or trials.

Note: When filling out the forms--parties must be identified as Plaintiff or Defendant as they are listed on the *original* custody Complaint, regardless of who is filing the Petition. The person filing the petition is the *Petitioner*; the other party is the *Respondent*.

IMPORTANT INFORMATION

NOTICE:

Giving Notice means that you send or give the other party the Notice of Intention to Present and copies of the documents you will be presenting to the judge. The date you write on this form is the day you plan to deliver the documents to Court. It must be at least 3 business days away and must be a Monday, Tuesday, Wednesday or Thursday.

If the other party has a lawyer, you give the notice to the lawyer instead of the party.

If there is a PFA, you may send the legal paperwork but do NOT include any other letters, notes, etc. You may have a family member or friend hand deliver copies of the notice. Only in extreme emergencies will the Judge accept oral notice.

If you do not know where the other party lives, you must read PA Rules of Court # 430 & #1930.4 and Beaver County Local Rule # 430 and follow the required procedures.

**** Always keep a copy of the Proof of Service documents for your records and ALWAYS bring the Proof of Service forms to all Conciliation Conferences, Pre-Trial Conferences and/or Hearings/Trials in Court.

**THERE IS A DRESS CODE IN THE COURTROOM.
TURN CELL PHONES COMPLETELY OFF IN THE COURTROOM.
YOUR FORMS MUST BE IN NUMERICAL ORDER WHEN YOU GO TO COURT.**

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA**

Plaintiff,	:	
	:	
vs.	:	No. _____
	:	
Defendant.	:	
	:	

NOTICE OF INTENTION TO PRESENT

TO: _____

(name & address of the other party)

Please take notice that I intend to present the attached Motion/Petitions on (date)_____ at 8:45 a.m., in Courtroom No. 5, Beaver County Courthouse, Beaver, PA. If you wish to oppose the requested relief or action, you should appear at that time and present your objections to the court.

Date _____
_____ Petitioner

CERTIFICATION OF SERVICE

I hereby certify that I have caused to be served a true and correct copy of the attached on the above named defendant at least 3 business days prior to the date of presenting the Motion by way of (check all that apply):

	regular mail
	certified mail
	hand delivery

Petitioner

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
P E N N S Y L V A N I A

CIVIL DIVISION

_____	:	No. _____
Plaintiff,	:	Civil Action – Law
	:	
vs.	:	Type of Pleading:
	:	Petition for Special Relief
	:	
_____	:	Filed on behalf of:
Defendant.	:	

		(Your Name)
		Filing Party's Information:(Your Name)
		Name:_____
		Address: _____

		Telephone #: _____

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

Plaintiff,	:	
	:	
vs.	:	No.
	:	
	:	
	:	
Defendant.	:	

SPECIAL RELIEF PETITION FOR CUSTODY

1. Petitioner is _____, and is the (circle one) mother/father of the
child(ren) (names of children): _____. Petitioner is the (circle one)
plaintiff/defendant in this case; Petitioner currently resides at (give full address):
_____, Pennsylvania.

2. Respondent is _____, and is the (circle one) mother/father of the child(ren)
(names of children): _____. Respondent is the (circle one)
plaintiff/defendant in the above-captioned matter; respondent currently resides at (give full address):
_____, Pennsylvania.

3. The child(ren):

(a) name _____ age _____, presently resides with
_____ at (give full address): _____
_____, Pennsylvania.

(b) name _____ age _____, presently resides with
_____ at (give full address): _____
_____, Pennsylvania.

(c) name _____ age _____, presently resides with
_____ at (give full address): _____
_____, Pennsylvania.

4. Date of Existing Custody Order: _____.

5. Special Relief is necessary because:

(Tell exactly what happened, why special relief should be granted & what special relief you want the Court to grant)

WHEREFORE, petitioner respectfully requests this Court grant the Special Relief requested.

Petitioner's Signature

I AM OVER THE AGE OF 18. Yes / No (CIRCLE ONE)

VERIFICATION

I, _____, verify that the statements made in this Petition Special Relief are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann § 4904, relating to unsworn falsification to authorities which provides that if I knowingly make false averments, I may be subject to criminal penalties.

Petitioner

Date: _____

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY,
PENNSYLVANIA
CIVIL – LAW

_____	:	
Plaintiff,	:	
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant.	:	

ORDER

AND NOW, this ____ day of _____, 20____, upon consideration of the
Petition for Special Relief filed by the _____, it is hereby

ORDERED and DECREED as follows: (Judge will list relief granted in this space):

BY THE COURT,

JUDGE

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA

_____	:	
Plaintiff,	:	
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant.	:	

PROOF OF SERVICE

I _____ (*your name*), hereby certify that I delivered a copy of the
(*name of document*) _____ to
_____ (*name of party*) on _____ (*date*),
at _____ o'clock p.m./a.m. Delivery was made by (check all that apply):

_____ regular mail
_____ certified mail
_____ hand delivery

DATE

PETITIONER

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA

_____	:	
Plaintiff,	:	
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant.	:	

ACCEPTANCE OF SERVICE

I accept service of the _____ (*name of document*). I certify that I am authorized to accept service on behalf of defendant.

DATE

DEFENDANT OR AUTHORIZED AGENT

MAILING ADDRESS

Note: If defendant accepts service personally, the second sentence should be deleted.